

FILED

JUL 01 2008

55
53**E-filing**

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

PETITION FOR A WRIT OF HABEAS CORPUS FOR PERSON IN STATE CUSTODY

Name Williams, Kevin L.
 (Last) (First) (Initial)

Prisoner Number #057632-2 5/2008

Institutional Address P.O. Box 7001 ATASCADERO STATE HOSPITAL
Atascadero, Ca. 93423 SI

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

(PR)

Kevin Lee Williams 08-3160
 (Enter the full name of plaintiff in this action.)

) Case No. 08-3160
 (To be provided by the clerk of court)

) vs.
 County Sheriff of
 Alameda County

) PETITION FOR A WRIT
 OF HABEAS CORPUS
 4150 #149916
 in Ala.

) (Enter the full name of respondent(s) or jailor in this action)

16 Read Comments Carefully Before Filling In

When and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or
 3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which
 4 you are imprisoned or by whom you were convicted and sentenced. These are not proper
 5 respondents. *Attorney General is Jerry Brown*

6 If you are not presently in custody pursuant to the state judgment against which you seek relief
 7 but may be subject to such custody in the future (e.g., detainers), you must name the person in whose
 8 custody you are now and the Attorney General of the state in which the judgment you seek to attack
 9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition?

12 (a) Name and location of court that imposed sentence (for example; Alameda
 13 County Superior Court, Oakland):

14 Alameda County Oakland

15 Court Location

16 (b) Case number, if known #03-cv-07-04525

17 (c) Date and terms of sentence 4 years with halftime

18 (d) Are you now in custody serving this term? (Custody means being in jail, on
 19 parole or probation, etc.) Yes No _____

20 Where? In Atascadero State Hospital

21 Name of Institution: ASH

22 Address: P.O. Box 7001 Atascadero, Ca. 93423

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for
 24 more than one crime, list each crime separately using Penal Code numbers if known. If you are
 25 challenging more than one sentence, you should file a different petition for each sentence.)

26 N/A

27 _____
 28 _____

3. Did you have any of the following?

2 Arraignment: Yes ✓ No _____

3 Preliminary Hearing: Yes No

4 Motion to Suppress: Yes No

5 || 4. How did you plead?

6 Guilty Not Guilty Nolo Contendere
7 Any other plea (specify) _____

8 5. If you went to trial, what kind of trial did you have?

9 Jury N/A Judge alone N/A Judge alone on a transcript N/A

10 6. Did you testify at your trial? Yes _____ No

11 7. Did you have an attorney at the following proceedings:

12 (a) Arraignment Yes _____ No

13 (b) Preliminary hearing Yes No

14 || (c) Time of plea Yes ✓ No

15 (d) Trial Yes _____ No ✓

16 (e) Sentencing Yes No

17 (f) Appeal Yes _____ No

18 (g) Other post-conviction proceeding Yes No

19 8. Did you appeal your conviction? Yes _____ No

20 (a) If you did, to what court(s) did you appeal?

21 Court of Appeal Yes N/A No N/A

Year: N/A Result: N/A

24 Year: 2008 Result: Need time to situate

25 Any other court Yes No Same area
26 Year: Nope Result: Not Yet

27
28 (b) If you appealed, were the grounds the same as those that you are raising in this

1 petition? Yes No

2 (c) Was there an opinion? Yes No _____

3 (d) Did you seek permission to file a late appeal under Rule 31(a)?

4 Yes _____ No

5 If you did, give the name of the court and the result:

6 Superior Court of Alameda County.
 7 Result would work out then.

8 9. Other than appeals, have you previously filed any petitions, applications or motions with respect to
 9 this conviction in any court, state or federal? Yes No _____

10 [Note: If you previously filed a petition for a writ of habeas corpus in federal court that
 11 challenged the same conviction you are challenging now and if that petition was denied or dismissed
 12 with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit
 13 for an order authorizing the district court to consider this petition. You may not file a second or
 14 subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28
 15 U.S.C. §§ 2244(b).]

16 (a) If you sought relief in any proceeding other than an appeal, answer the following
 17 questions for each proceeding. Attach extra paper if you need more space.

18 I. Name of Court: U.S. District Court/Northern District

19 Type of Proceeding: New action filing / motion to
 20 reinstate Suit

21 Grounds raised (Be brief but specific):

- 22 a. I feel the matter should be ongoing
- 23 b. I feel the resolution should be higher
- 24 c. I feel very disrespected
- 25 d. I feel my Civil Rights were violated

26 Result: from \$10,000 to \$50,000 Date of Result: Result to pay

27 II. Name of Court: U.S. District Court/Northern District

28 Type of Proceeding: New Hearing

Grounds raised (Be brief but specific):

Dear United States District
Court, Northern District;

I'm currently only filing an
Civil Suit but I could've been re-
leased by now on the grounds of Civil
Rights infractions of illegal detainment
and disrespect of Human Rights. My
case holds a Penal Code section 667.5
(a), and section Code 667.5(c), the clause
sent me to State at the end of my
sentence, when in fault my Civil Rights
were violated and I became partially
deaf and badly needed on small amounts
of medication for a cutdown I feel of
prisoners, that being County of Alameda
Mental Health.

I'm writing writing this under Pg.
4 of the Writ of Habeas Corpus, line
10 as my explanation, correlation of
undocumented questioning and with that
here you go.

Mr. Wilsons

- a. Lack of understanding by Sheriff or thereof
- b. emotional strain
- c. participation, longwith-standing energy on
- d. stress

Result: awaiting Date of Result: 5/24/08

III. Name of Court: U.S. District Court/Northern District
Type of Proceeding: Motion to file # 03-cv-07-07525

Grounds raised (Be brief but specific):

- a. would like to mercy the Court
- b. acknowledgement of, vs. Court action
- c. the not sorta Guilty by Sheriff
- d. and the patience

Result: Thank You Date of Result: 5/24/08

IV. Name of Court: U.S. District Court/North District

Type of Proceeding: Change of Venue /Sacramento

Grounds raised (Be brief but specific):

- a. Would like to Change of Venue/case, civil suit
- b. would like to fight my 667.3(c)
- c. would like to fight my case again, and re-
- d. would like to ask for \$50,000.00 start suit

Result: not sure Date of Result: 5/25/08

(b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

Yes No ✓

Name and location of court: Sacramento County Court/Sacramento

B. GROUNDS FOR RELIEF

State briefly every reason that you believe you are being confined unlawfully. Give facts to support each claim. For example, what legal right or privilege were you denied? What happened?

Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

Dear United States
District Court,

Hello this is Williams, Kevin #057632-2, here in Atascadero State Hospital and I would like to explain myself a little about my current placement, it's up to the Courts if or me also to see that this situation comes across fair and willingly and in the best of hands. I don't have argument, but I did deteriorate since being in Alameda County Jail and I feel I should warn that a higher hearing may be what I need since this is base material? I'm asking the Court leverage to be moved for both Civil and Criminal, might, through Appeals since my Case is delicate, that being my Civil Suit. I'll dig some more and see, but I'll also contact the District Attorney's Office to see if they can drop the clause of possession of a weapon, and with that thank you.

Mr. Williams

P.S. I would like to move on
on my Civil Suit.

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: Psychiatric Disorders

6
7 Supporting Facts: While in Alameda County Jail
8 living standards were poor, no psychiatric
9 caring for Acute / Middle Treatment.

10
11 Claim Two: Torturing of Prisoners

12
13 Supporting Facts: While laying in a hallway
14 Deputies used to open or talk
15 through the doors and say words
16 like "Jaycat" or question us like we
17 were stupid.
18 Claim Three: Stripped out of Clothes

19
20 Supporting Facts: While not answering the emergency
21 button, means to be seen period through
22 all channels would mean saying that I'm
23 suicidal and things of that nature.

24 If any of these grounds was not previously presented to any other court, state briefly which
25 grounds were not presented and why:

26 I originally asked for my Blood thinner
27 and my Psych. Meds upon landing in
28 County Jail.

1 List, by name and citation only, any cases that you think are close factually to yours so that they
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning
3 of these cases:

4 Schaffer vs. Alameda County

5

6

7 Do you have an attorney for this petition? Yes No

8 If you do, give the name and address of your attorney:

9 Self defense / Kervi L. Wieljans #057632-2

10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12

13 Executed on May 24, 2008

Kervi Wieljans

14

Date

Signature of Petitioner

15

16

17

18

19

20

(Rev. 6/02)

21

22

23

24

25

26

27

28

Kerry L. Williams Unit 2 Bed 10

Harrah's Hotel & Casino

Two vertical USA First-Class postage stamps are shown side-by-side. Each stamp features a stylized American flag design with vertical stripes and a field of stars. The text "USA First-Class" is printed vertically along the left edge of each stamp.

Ba Box 7007 A EUREKA CA 95311 JUN

ω

1

一〇

1

08 Page
Flanders Ca.
193425

11/5/2008

Office of the Clerk
U.S. District Court
Northern District
450 Golden Gate Avenue
San Francisco, Ca.

2016